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August 15, 2008

Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

VIA ECF AND FIRST CLASS MAIL

Re: United States v. Tremain Tazewell  
07 Cr. 1035 (RMB)

Dear Judge Berman:

Defendant Tremain Tazewell respectfully requests that the following, in addition to the standard questions, be inquired of potential jurors during *voir dire*:

- 1) For those jurors that live outside New York City, how often do you visit the City and for what general purpose?
- 2) Have you, a family member or close friend ever worked for a law enforcement or prosecutorial agency such as, but not limited to, a United States Attorney's Office, a District or State's Attorney's Office, NYPD, FBI, DEA or any state or local police departments?
- 3) Has any juror been the victim of a crime? Please explain?
- 4) What historical figure do you most admire and why?
- 5) Have you, a family member or close friend ever been effected by drug abuse or had a negative experience regarding drug use or abuse by other individuals?

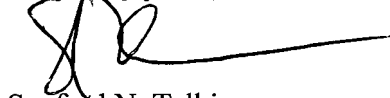
6) During the burden of proof section of the Court's pretrial remarks, please include this question); As I have told you, the Government has the burden of proof. The defendant is not required to present any evidence at all. He is never required to prove that he is innocent. The right of a defendant not testify is an important part of our Constitution. As the Supreme Court of the United States has said:

It is not everyone who can safely venture on the witness stand though entirely innocent of the charges against him. Excessive timidity, nervousness when facing others and attempting to explain transactions of a suspicious character, and offenses charged against him, will often confuse and embarrass him to such a degree as to increase rather than remove any prejudice against him. It is not everyone, however honest, who would therefore willingly be placed on the witness stand.

If Mr. Tazewell does not testify, the law requires that you may not attach any significance to that fact. No adverse inference may be drawn against Mr. Tazewell should he not take the witness stand. That being said, it is a natural reaction to want to hear from the accused at a trial. In the event defendant does not testify, does anybody feel that you still will have difficulty not considering that he did not testify during your deliberations as a juror on this case?

Thank you for Your Honor's consideration of these questions.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. Talkin', with a long horizontal line extending to the right.

Sanford N. Talkin

cc: AUSA Antonia Apps by ECF